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V. Douglas
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Roger J. Talish and Alan A. Winder		
SERIAL NO.:	09/700,014	GROUP ART UNIT:	3737
FILED:	December 29, 2000	EXAMINER:	Dagostino, S.

FOR: ULTRASOUND BANDAGES

ATTORNEY DOCKET NO.: 41482/205537

Commissioner for Patents
Washington, D.C. 20231

DATE: August 22, 2002

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed on July 30, 2002, which did not set any shortened statutory period or time limit for response, Applicants submit the following.

The Examiner has required restriction among the following claims:

Group I, claims 1-21 and 41-61, drawn to an apparatus of an ultrasound bandage;

Group II, claims 22-40 and 62-81, drawn to a method for manufacturing the bandage; and

Group III, claims 82-87, drawn to a method for accelerating the healing of wounds.

Applicants elect Group I, claims 10-21 and 41-61.

This election is made with traverse, however. This application is a national phase entry under 35 U.S.C. § 371 of PCT application PCT/US99/09875. As a result, PCT rules governing unity of invention apply, even in the U.S. national phase. MPEP § 1893.03(d) states:

> The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

37 C.F.R. § 1.475 codifies these principles in the form of U.S. rules. 37 C.F.R. § 1.475(b) states, in pertinent part:

> An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
> . . . (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; . . . .

MPEP § 1893.03(d) further states:

> A process is "specially adapted" for the manufacture of a product if the claimed process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product. The expression "specially adapted" does not imply that the product could not also be manufactured by a different process.

Applicants respectfully submit that the claims presented in this application conform to the combination of categories expressly permitted by 37 C.F.R. § 1.475(b)(3). The Examiner herself has indicated this by her wording of the grouping of claims in her restriction requirement. Thus, MPEP § 806.05, cited by the Examiner as supporting her requirement, is inapplicable. Moreover, when the proper statutory provisions and rules are applied to this application, it is clear that the Examiner's requirement for restriction is improper and should be withdrawn. Applicants respectfully request that the Examiner indicate this withdrawal in the first Office action on the merits.

Please charge any fees in connection with this filing to Deposit Account No. 11-0855.

Respectfully submitted,

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